

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

DEBRA LEA CLINE,

Plaintiff,

v.

CIVIL ACTION NO. 5:14-cv-14568

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By *Standing Order* (Document 4) entered on May 1, 2014, this action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On July 31, 2015, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 13) wherein it is recommended that this Court deny the *Defendant's Motion to Dismiss Plaintiff's Complaint* (Document 8), grant the *Plaintiff's Opposition to Defendant's Motion to Dismiss* (Document 12), dismiss this matter from the Court's docket, and remand the case for further proceedings pursuant to 42 U.S.C. § 405(g).


Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 17, 2015, and none were filed by either party. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those

portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *see also Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983) (holding that districts courts may adopt proposed findings and recommendations without explanation in the absence of objections).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The Court **ORDERS** that the *Defendant's Motion to Dismiss Plaintiff's Complaint* (Document 8) be **DENIED**, the *Plaintiff's Opposition to Defendant's Motion to Dismiss* (Document 12) be **GRANTED**, this matter be **DISMISSED** from the Court's docket, and the case be **REMANDED** for further proceedings pursuant to 42 U.S.C. § 405(g).

The Court **DIRECTS** the Clerk to send a certified copy of this *Memorandum Opinion and Order* to Magistrate Judge Tinsley, counsel of record, and any unrepresented party.

ENTER: August 24, 2015


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA